

Committee: House Local Government

Tuesday, February 02, 2021 10:00 AM

Roll Call

Present: Rep. Barthel, Rep. Cwach, Rep. Drury, Rep. Lana Greenfield, Rep. Hoffman, Rep. Chris Johnson, Rep. Mortenson, Rep. Olson, Rep. Reed, Rep. Thomason, Rep. Weisgram, Rep. Jamison, and Rep. York

OTHERS PRESENT: See Original Minutes

**The meeting was called to order by Representative York**

**MOTION: TO APPROVE THE MINUTES OF THURSDAY, JANUARY 28<sup>TH</sup>**

Moved by: Hoffman  
Second by: Thomason  
Action: Prevailed by voice vote

**HB 1093 : revise the limitations on a municipality's power to take actions for the promotion of health or the suppression of disease.**

Presented by: Rep. Tom Pischke  
Proponents: Florence K. Thompson, self, Rapid City  
Tonchi Weaver, South Dakota Citizens for Liberty, Rapid City  
Mireille Halbert, self, Custer  
Valerie Warner, self, Custer

**MOTION: DEFER HB 1093 UNTIL TUESDAY, FEBRUARY 09<sup>TH</sup>, 2021**

Moved by: Chris Johnson  
Second by: Drury  
Action: Prevailed by voice vote

**HB 1094 : revise certain provisions regarding the municipal zoning and appeals process.**

Presented by: Rachel Oglesby, Governor's Office  
Proponents: Yvonne Taylor, South Dakota Municipal League, Fort Pierre

**MOTION: AMEND HB 1094**

1094E

On page 2, line 20, of the Introduced bill, delete "Any alteration, construction, use of earthmoving equipment, or other change pursuant to a zoning permit or allowed land use on neighboring land that begins after the date on which an application for a conditional use is received, and that causes the application to fail to meet one or more of the criteria or requirements for conditional use under the zoning ordinance, does not cause the request for a conditional use permit to be considered nonconforming until a final disposition of the conditional use request is determined pursuant to § 11-4-25 or 11-4-29. If the conditional use permit is granted, the conditional use is considered a lawful use, lot, or occupancy of land or premises and may be continued even though the use, lot, or occupation does not conform to the provisions of the ordinance. If the conditional use is not pursued by the applicant for a period of more than one year, any

subsequent use, lot, or occupancy of the land or premises shall conform with the zoning ordinance." and insert "

Any conditional use permit granted pursuant to chapter 11-4 shall be considered a lawful use. No conditional use will be prohibited due to changes on neighboring land which occurred after the application for the conditional use is received. No conditional use shall be made nonconforming due to changes on neighboring land which occurred after the application for the conditional use is granted pursuant to chapter 11-4 unless the conditional use is not pursued by the applicant for a period of more than one year."

On page 5, line 26, of the Introduced bill, delete "county " and insert "municipal "

On page 5, line 29, of the Introduced bill, delete "county " and insert "municipal "

On page 5, line 29, of the Introduced bill, delete "county " and insert "municipal "

Moved by: Olson

Second by: Chris Johnson

Action: Prevailed by voice vote

**MOTION: DO PASS HB 1094 AS AMENDED**

Moved by: Hoffman

Second by: Chris Johnson

Action: Prevailed by roll call vote (12-1-0-0)

Voting Yes: Barthel, Drury, Lana Greenfield, Hoffman, Chris Johnson, Mortenson, Olson, Reed, Thomason, Weisgram, Jamison, and York

Voting No: Cwach

**HB 1084 : revise provisions regarding the duration of restrictive contracts or declarations.**

Presented by: Representative Larry Tidemann

Proponents: Matt Krogman, South Dakota Association of Realtors, PIERRE

Opponents: Samuel J Nelson, South Dakota Municipal League, Fort Pierre  
Mark Miller, General Counsel, Office of the Governor

**MOTION: DO PASS HB 1084**

Moved by: Reed

Second by: Olson

Action: Prevailed by roll call vote (10-3-0-0)

Voting Yes: Barthel, Cwach, Hoffman, Chris Johnson, Mortenson, Olson, Reed, Thomason, Weisgram, and Jamison

Voting No: Drury, Lana Greenfield, and York

**MOTION: ADJOURN**

Moved by: Olson

Second by: Hoffman

Action: Prevailed by voice vote

Jean Denton, Committee Secretary

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/s/ NANCY YORK  
Nancy York, Chair